

## SENATE BILL NO. 248

INTRODUCED BY J. BRUEGGEMAN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR TUITION AND FEE WAIVERS FOR MEMBERS OF THE MILITARY RESERVES AND RESIDENT HIGHER EDUCATION BENEFITS FOR NONRESIDENT MEMBERS OF THE MONTANA NATIONAL GUARD; AMENDING SECTION 20-25-421, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 20-25-421, MCA, is amended to read:

**"20-25-421. (Temporary) Charges for tuition -- waivers.** (1) The regents may prescribe tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

(2) The regents may:

(a) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit 2% of the full-time equivalent enrollment at that unit during the preceding year; however, when necessary, tuition may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student support fee by the reciprocal state;

(b) waive resident tuition for students at least 62 years of age;

(c) waive tuition and fees for:

(i) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least 1 year prior to enrollment in the Montana university system;

(ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

(iii) residents of Montana who served with the armed forces of the United States in any of its wars and who were honorably discharged from military service;

(iv) residents of Montana who served with the military reserves of the armed forces of the United States in any of its wars and who were honorably discharged from military service;

~~(iv)~~(v) children of residents of Montana who served with the armed forces of the United States in any of its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the

1 service of the armed forces of the United States;

2 ~~(v)~~(vi) the spouses or children of residents of Montana who have been declared to be prisoners of war  
3 or missing in action; or

4 ~~(vi)~~(vii) the spouse or children of a Montana national guard member who was killed or died as a result  
5 of injury, disease, or other disability incurred in the line of duty while serving on state active duty;

6 (d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the  
7 course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets  
8 the entrance requirements at the state university or college of the person's choice and is the surviving spouse  
9 or child of any of the following who were killed in the course and scope of employment:

10 (i) a paid or volunteer member of a municipal or rural fire department;

11 (ii) a law enforcement officer as defined in 7-32-201; or

12 (iii) a full-time highway patrol officer.

13 (e) waive tuition for up to 5,000 credits each academic year in accordance with the Montana national  
14 guard education benefit program, which the department of military affairs is authorized to establish. The waivers  
15 provided for in this subsection (2)(e) are intended to be available for up to 5 years after the person qualifies.

16 (f) designate as residents, for purposes of the rate of tuition to be charged students attending community  
17 colleges and units of the university system, members of the Montana national guard who are not residents of  
18 Montana but who are active members of a national guard unit in Montana and are participating in the national  
19 guard education services program. (Terminates June 30, 2011--sec. 2, Ch. 27, L. 2007.)

20 **20-25-421. (Effective July 1, 2011) Charges for tuition -- waivers.** (1) The regents may prescribe  
21 tuition rates, matriculation charges, and incidental fees for students in institutions under their jurisdiction.

22 (2) The regents may:

23 (a) waive nonresident tuition for selected and approved nonresident students, not to exceed at any unit  
24 2% of the full-time equivalent enrollment at that unit during the preceding year; however, when necessary, tuition  
25 may be waived in excess of 2% of unit enrollment for nonresident students who enroll under provisions of any  
26 WICHE-sponsored state reciprocal agreements that provide for the payment, when required, of the student  
27 support fee by the reciprocal state;

28 (b) waive resident tuition for students at least 62 years of age;

29 (c) waive tuition and fees for:

30 (i) persons of one-fourth Indian blood or more who have been bona fide residents of Montana for at least

1 1 year prior to enrollment in the Montana university system;

2 (ii) persons designated by the department of corrections pursuant to 52-5-112 or 53-1-214;

3 (iii) residents of Montana who served with the armed forces of the United States in any of its wars and  
4 who were honorably discharged from military service;

5 (iv) residents of Montana who served with the military reserves of the armed forces of the United States  
6 in any of its wars and who were honorably discharged from military service;

7 ~~(iv)~~(v) children of residents of Montana who served with the armed forces of the United States in any of  
8 its wars and who were killed in action or died as a result of injury, disease, or other disability incurred while in the  
9 service of the armed forces of the United States;

10 ~~(v)~~(vi) the spouses or children of residents of Montana who have been declared to be prisoners of war  
11 or missing in action; or

12 ~~(vi)~~(vii) the spouse or children of a Montana national guard member who was killed or died as a result  
13 of injury, disease, or other disability incurred in the line of duty while serving on state active duty;

14 (d) waive tuition charges for qualified survivors of Montana firefighters or peace officers killed in the  
15 course and scope of employment. For purposes of this subsection, a qualified survivor is a person who meets  
16 the entrance requirements at the state university or college of the person's choice and is the surviving spouse  
17 or child of any of the following who were killed in the course and scope of employment:

18 (i) a paid or volunteer member of a municipal or rural fire department;

19 (ii) a law enforcement officer as defined in 7-32-201; or

20 (iii) a full-time highway patrol officer.

21 (e) designate as residents, for purposes of the rate of tuition to be charged students attending community  
22 colleges and units of the university system, members of the Montana national guard who are not residents of  
23 Montana but who are active members of a national guard unit in Montana and are participating in the national  
24 guard education services program.

25 (3) If funds are available after the waivers provided for in subsection (2), the regents may waive tuition  
26 for up to 5,000 credits each academic year."

27  
28 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and approval.

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